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September 30, 2024

VIA ECF

Honorable Arun Subramanian, U.S.D.J.
United States District Court, Southern District of New York
United States Courthouse
500 Pearl Street, Courtroom 15A
New York, New York 10007-1312

Re: Mauro Rivas v. MLJ Painting Corp.
Case No.: 1:24-cv-04205-AS

Dear Judge Subramanian:

This firm represents Defendant, MLJ Painting, Inc. (“Defendant”), in connection with the above-referenced matter, which includes claims under the Fair Labor Standards Act 29 U.S.C. § 201 et seq. The Court may recall that there were four separate lawsuits simultaneously pending against Defendant, including this matter.¹ All four plaintiffs are represented by Abdul K. Hassan, Esq. and all four complaints alleged a failure to pay overtime wages in violation of the FLSA and New York Labor Law (“NYLL”) and withholding of/failure to pay wages in violation of the NYLL, within the same general time period. As such, the parties engaged in one global mediation with Patrick Michael McKenna, Esq. on August 28, 2024, through which we reached a full settlement of all four matters.

Pursuant to Your Honor’s August 30, 2024 Order, counsel was required to prepare and submit to the Court **by today, September 30, 2024**, the settlement agreement and all accompanying filings in accordance with Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012) and the Court’s instructions. (*ECF 12*).

Unfortunately, we still have not finalized a settlement agreement and the required accompanying documents for this matter. As such, we respectfully request from the Court the following:

1. an extension of the September 30, 2024 filing deadline for all settlement documents in this matter; and
2. a telephonic conference with counsel, at the Court’s earliest convenience, to briefly address some issues that have arisen in connection with finalizing the settlement materials.

¹ Winston Mile v. MLJ Painting (EDNY, Case No.: 2:24-cv-02400-ST)
Carl Baptiste v. MLJ Painting (EDNY, Case No.: 2:24-cv-03196-ARL)
Phillip Maughn v. MLJ Painting (SDNY, Case No.: 1:24-cv-03222-KPF)

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This is the **first request** for an adjournment of the deadline for filing the settlement agreement and all accompanying documents. We reached out to Plaintiff's counsel for consent for this request but have not yet received a response. There are currently no scheduled appearances before the Court, nor are there any other existing deadlines.

We thank the Court for its time and attention to this matter and await further instruction.

Respectfully,

WEINSTEIN + KLEIN P.C.



Kelley M. Rutkowski

Cc: All counsel of record via ECF

The request for an extension is GRANTED. The parties must submit their *Cheeks* materials by October 29, 2024. The request for a telephonic conference is DENIED. If defendants have a specific ask to make in connection with the parties' efforts to finalize the settlement agreement, they can file another letter motion. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 13.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: September 30, 2024